

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STARR INDEMNITY & LIABILITY)
COMPANY and NEW YORK MARINE &)
GENERAL INSURANCE CO.,)
)
Plaintiffs,)
)
vs.) Case No. 4:11CV809 JAR
)
CONTINENTAL CEMENT COMPANY,)
L.L.C., SUMMIT MATERIALS, L.L.C., and)
THE UNITED STATES ARMY CORPS OF)
ENGINEERS,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Starr Indemnity & Liability Company and New York Marine & General Insurance Company's (collectively "Starr") Emergency Motion for Ex Parte Order, Prompt Hearing and to Preserve Evidence ("Motion"; ECF No. 129). After a conference call with the parties,

IT IS HEREBY ORDERED that Plaintiff Starr Indemnity & Liability Company and New York Marine & General Insurance Company's Emergency Motion for Ex Parte Order, Prompt Hearing and to Preserve Evidence [129] is **GRANTED**, in part, and **DENIED**, in part.

IT IS FURTHER ORDERED that Continental Cement Company and Summit Materials, L.L.C. keep Starr apprised of all plans to alter the Mark Twain barge, including any plans for removing the barge.

IT IS FURTHER ORDERED that, prior to any removal and/or destruction of the Mark Twain barge, Starr will have an opportunity to inspect the starboard #3 wingtank, and Starr will pay any and all reasonable costs associated with the inspection.

IT IS FINALLY ORDERED that the Plaintiffs' Motion is **DENIED** in all other respects.

Dated this 20th day of February, 2013.


John A. Ross
JOHN A. ROSS
UNITED STATES DISTRICT JUDGE